



**207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-3742-2023

Date of Decision:10.09.2025

ISHWAR NATH

...Petitioner

Vs.

STATE OF HARYANA AND OTHERS

...Respondents

CORAM:- HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Naresh Paul Chandel, Advocate for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

Mr. Raj Kumar Rathore, Legal Aid Counsel
for respondent No.4.

KULDEEP TIWARI, J. (Oral)

1. Through the present petition filed under Article 226/227 of the Constitution of India, challenge in the present petition is to the order dated 22.12.2022, Annexure P-1, whereby, the Additional District Magistrate, Kurukshetra, while exercising his power under Section 23(1) of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007, (in short 2007 Act) cancelled the transfer deed no. 1097 dated 15.11.2019, which was executed by the 4th respondent in favour of the petitioner.

2. Learned counsel for the petitioner while drawing the attention of this Court, towards the order dated 22.12.2022, Annexure P-1, submits that it is totally a non-speaking order, except recording the facts and submissions, no reasons whatsoever, were assigned to reach the conclusion. In absence of the reasons, the order impugned does not pass the test of legality. Though, the other issue has also been raised, however, this Court is



of the prima facie view that the order is totally non-speaking. Learned counsel further submits that now the applications under Section 23(1) of 2007 Act, is to be entertained by the Maintenance Tribunal only.

3. Learned counsel for respondent No.4 tried to address the arguments on merits, however, is unable to satisfy this Court as to how the impugned order is a speaking one, specifically when there is no reason assigned therein.

4. In view of the above, the order dated 22.12.2022, Annexure P-1, passed by the Additional District Magistrate, Kurukshetra, is set aside. However, liberty is granted to the 4th respondent, to file fresh application in case, legal cause survives, before the Maintenance Tribunal concerned, within 30 days from passing of this order. The later shall decide the same within two months thereafter. Further, the Tribunal shall not allow the petitioner to adopt any tactics to delay the proceedings of the application to be filed by respondent No.4.

5. **Disposed of**, accordingly.

(KULDEEP TIWARI)
JUDGE

10.09.2025

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Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*